

Naples City Council

January 28, 2016

Minutes

The regularly scheduled meeting of the Naples City Council was held January 28, 2016, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Bill Chapoose, Scott Thompson, Jace Cook Heidi Lundberg, Jeff Durham, Mark Watkins, Jim Harper, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval. He stated he wanted to update the Council on a couple of things under 'Other Matters.' Robert Hall **moved** to approve the agenda. Dennis Long **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the January 14, 2016 city council meeting for approval. Dan Olsen **moved** to approve the minutes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had something they wanted to follow up on from the previous meeting. Councilman Long reported the City still has the open day for use of the conference center and told the Mayor he thought the Chamber of Commerce already has a date scheduled for the seminar they talked about at the last meeting.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Councilman Olsen asked Jim about the bases for the street lights and wanted to know if there was a difference in price without the logo. Jim said there was no difference in the price. He stated the base comes with an extra piece if you order one with a logo and if you order a base without a logo

it comes without that piece and makes the pole a little shorter. The Council wanted the poles to be the same height.

Connie Patton presented the bills in the amount of \$38,411.83. Dennis Long **moved** to approve payment of the bills. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Bill Chapoose with Bill's Burgers came before the Council to obtain local consent for an on premise beer license. It was explained that Mr. Chapoose will be managing the restaurant at the Golf Course and will be obtaining an on premise beer license in place of the one the Golf Course used to own. Dan Olsen **moved** to approve the beer license for Bill's Burgers LLC. Robert Hall **seconded** the motion. The motion passed with all voting aye.

A business license application was received from Frito Lay located at 1294 E Amelia Earhart Circle. Joshua Bakes stated everything with the business was fine and located in the proper zone. Dennis Long **moved** to approve the business license. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

It was noted that the term for Councilman Hall's appointment to the Uintah Health Care Special Service District has expired. Dan Olsen **moved** to adopt Resolution 16-287 reappointing Robert Hall to the Uintah Health Care SSD. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Joshua Bake updated the Council on a conditional use business that made application to the City some time back. Joshua explained that 5D Recyclers came to the City and applied for a business license and turned in their conditional

APPROVAL OF THE BILLS

LOCAL CONSENT FOR ON PREMISE BEER LICENSE

APPROVE BUSINESS LICENSE

APPOINTMENT TO THE UINTAH HEALTH CARE SPECIAL SERVICE DISTRICT RESOLUTION 16-287

CONDITIONAL USE PERMIT FOR 5D RECYCLERS

use application. Josh said they then approached the City and told them there was a possibility they were moving because the property was being sold. The owner of the business was told to keep the City apprised of what they were doing. Josh said in the meantime an anonymous complaint was received about the business. Josh stated at that point he contacted the business and asked them to let him know what they were doing. Josh said the owners of the business came to Planning & Zoning and said the property has been sold and they would be moving by the end of March. Josh said a couple of days after the meeting with the Planning Commission two investigators from the State came in and were looking into this business. The investigators asked if it would be possible for Mr. Durham to get a business license from the City. Joshua told them it would be if they could get their conditional use permit. The investigators asked Joshua if it would be possible for 5D Recyclers to get their license right away. Joshua told them the Planning Commission would have to call a special meeting and set those conditions and then after that the City Council would need to approve the license. Joshua said the Planning Commission held the special meeting last Tuesday and the conditions were set. Josh read the conditions set by the Planning Commission.

1. The permit expires on March 31, 2016 and the business will cease operations at the location.
2. No visible salvage material stored in the yard may be seen from any public street, including Hwy 40.
3. The property must be cleaned up by March 31, 2016.
4. Provide ten designated parking spaces.
5. Maintain 100% storm water retention. Storm water must not be directed onto neighboring properties, the street, or the canal to the south.
6. Any exterior lighting will be directed away from neighboring properties.

Josh said the conditional use permit will end on March 31, 2016 and even if the business finds another location within the City they will have to apply for another conditional use permit. Councilman Hall wanted to know who the investigators were, what agency they were with. Mr. Durham stated they were with the State Motor Vehicle Department, the law enforcement arm of the State. Mr. Durham said they came to check and see if he had the right paper work to accept cars for recycling. Mr. Durham said they have tried to take the proper steps to get licensed, it just always came down to if the business was moving or not. He said they are

moving but they need the conditional use permit to provide the State so they can be in compliance with the law. Mayor Baker asked about the statement Mr. Durham made in the Planning Commission meeting about the EPA coming out and looking over their area. Mayor Baker wanted to know if Mr. Durham could provide a letter from the EPA stating they had no findings on the property because Mayor Baker said he receives water from the canal that runs by this property. Mr. Durham said he might be able to. He said the property has a cement wall that prevents run off water for that whole section of property making sure it doesn't run into the canal. Mayor Baker thought it might be good to have something in writing. Mr. Durham stated he has had several visits from different agencies of the State, all because of an anonymous call, he said it has been a fun couple of weeks for him but he stated he was okay with that. He said he appreciates the State has taken an active interest in their business and it has been a good education. He said they have been trying to work within the law. Mayor Baker pointed out the conditional use permit states it can be renewed from year to year and felt that should be taken out because the permit will only be good until March 31, 2016. He also wanted to make sure Mr. Durham was not burning any material and thought that should be one of the conditions. Robert Hall **moved** to approve the conditional use permit with the understanding that it will terminate March 31, 2016, to take out the sentence for annual renewal and to add number seven that states there will be no burning and to accept the other conditions as they stand. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Joshua Bake stated that as part of the request for the conditional use permit for 5D Recyclers, they also need a business license. Kenneth Reynolds **moved** to approve the business license for 5D Recyclers. Gordon Kitchen **seconded** the motion. The motion passed with all voting in the affirmative.

Council members received a copy of the proposed changes to the Consolidated Fee Schedule. Dale Peterson reviewed those changes with the Council. Joshua wanted the Council to know they will not be adopting the Resolution tonight, he wanted the Council to have time to review it and give their recommendations. Mr. Peterson explained that many of the fees for the administration section remained the same. The next section they reviewed was the business license fee section. Mr. Peterson recommended the base fee for all

***BUSINESS LICENSE
APPLICATION***

***VIEW NAPLES CITY
CONSOLIDATED FEE
SCHEDULE -
RESOLUTION 16-288***

licenses be increased to \$60 with an initial application fee of \$120. He said the initial application fee would cover the cost of the building official to inspect the business. Councilman Kitchen expressed his concern about raising any fees when the economy is bad. He felt even though it wasn't a large increase it was still an increase. A discussion went back and forth concerning this matter and it was determined to leave the business license fees as they currently are but to add the initial inspection fee to cover the cost of the first inspection for a new business. Mr. Peterson reviewed the building permit fees and stated some of these were changed but it was only a few dollars up or down to get the calculations of the valuations to agree with the amounts on the schedule. Mr. Peterson discussed the fee for road cuts. He said the City has always had a provision in place to charge for road cuts, they just never have. He said the City has only required a company to put up a bond for the road cut. Mr. Peterson reported that he met with Joshua and Jim to discuss classifying the roads in the City and used those classifications to determine how much to charge for a road cut. The newer and nicer the road, the greater the fee for the cut. Mayor Baker wanted to know why they were charging a fee, he said you are going to make them repair the road so what is the fee for. Mr. Peterson said it would be to replace some of what is lost because you will never get the road back to what it was. Mayor Baker said they make people bond to cut the road and if they don't repair it back to what it was then the City takes the bond and repairs the road. Dale said it would be to pay for the impact to the road. Joshua said it would go back into the longevity of the road. He said every time the road is cut the quality of the road deteriorates and will never be put back to what it was. Mr. Peterson said it would basically be a revenue. The Mayor said you would never collect enough to build 100' section in twenty years. Mayor Baker said if they want to try and hold fees down while the economy is down they should just have them bond and repair the road. Mr. Peterson said it would be a revenue to help replace the road. Joshua Bake said they hoped this would also work as a deterrent. Councilman Olsen asked if the City required companies like Ashley Valley Water to bond for their cuts and if they have ever collected. Jim said not that he knows and there are quite a few of their cuts that are sinking. Jim said you could increase the cost of the bond. Mayor Baker suggested that might be a better alternative. There was also a discussion to make require people to bore when at all possible. Councilman Kitchen said he concurred with the Mayor that raising the fee for the bond might be the

better way. Mr. Peterson also suggested the City make sure any future stub outs are completed during the process of road expansions or road construction. That would alleviate some of the cuts made after construction is complete. Joshua said these are services the City provides to the community and every dollar counts. He said if the City is only requiring a bond they are losing out on an opportunity to collect something that can go back into the community. Jim said they had approximately twenty to twenty-five road cuts last year. Councilman Reynolds said it is an impact to the City and every little bit helps. Councilman Kitchen looked at it like a hidden tax. Mayor Baker said they were not taking any action on this. Mr. Peterson said he would like some guidance on this. Councilman Olsen said every road cut is a depreciations on an asset and you are never going to get it back to what it was. Councilman Kitchen said to present what he has and the changes discussed in two weeks and they will see how they want to move on it. No action was taken on this matter.

Mayor Baker believed they covered the review of the road classification in the previous discussion. He wanted to know if there was anything they wanted to change. Councilman Kitchen just wanted to make sure that as they did this it didn't interfere with the classification set by the State of Utah for B&C road funds. Joshua said that is why they used the Tier I, Tier II, etc. so there wouldn't be any confusion.

Joshua Bake gave Council members a copy of a regulation that he took from Vernal City's ordinances. He said it is almost word for word but felt it covered what they were looking for with the jake brake restrictions. He said this would fit in very nicely with a section already in the Naples City Ordinance. Joshua said he still needed to send this to Mr. Judd's office for review and he wanted to meet with Chief Watkins and Jim before bringing it to Council for final approval. No action was taken.

Heidi Lundberg reviewed the recent changes made to the Land Use Ordinance. Joshua wanted the Council to know there were no substantive changes to the Land Use Ordinance only changes in the location of items. He said they wanted to get everything in the proper place in the ordinance before making changes to the substance. Heidi handed out copies of the power point presentation she made that highlight the changes made in the Land Use Ordinance. She said the Planning Commission tried to get everything

REVIEW NAPLES CITY ROAD CLASSIFICATION

REVIEW JAKE BRAKE O R D I N A N C E - ORDINANCE 16-175

LAND USE ORDINANCE CHANGES

dealing with Industrial zones in a chapter for Industrial. She also pointed out that in the Ordinance the definition for the C zone (Commercial) and the definition for the C-1 zone (Downtown Commercial) did not match the zones and so those were corrected. Kenneth Reynolds **moved** to approve the changes to the Land Use Ordinance as discussed and to accept this as a first reading. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Joshua Bake said the Planning Commission also held a hearing to discuss changes to a road design in the form-based codes. He said, in the form-based codes, Weatherby Drive required over a 100' of asphalt to be in compliance. He said that was almost impossible to accomplish and it didn't make sense to do it when no businesses are currently looking to locate here. Council members thought this had already been approved and asked for someone to look into it. Joshua said the Council did move to temporarily suspend that portion of the code but doesn't believe a new design was ever approved.

Joshua also said the Commission discussed temporarily suspending the form-based codes. He said the form-based codes have a lot of good information and they are a good way to increase development uniformly but hard if they are just getting development started. He said the Planning Commission unanimously voted to suspend the form-based codes for one year unless it become necessary to change that. No action was taken on either of these items as Joshua will bring the changes back in the form of an Ordinance.

Council members received a request from the road department for Jim Harper and Ryan Cook to attend the traffic control certification class being held in Vernal. The cost for the two registrations was \$620. Gordon Kitchen **moved** to approve the training. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

An invoice from Timberline Engineering was received and presented to Council for approval. Joshua Bake said he had not had a change to speak with Cable Murray about this

CHANGES TO THE FORM-BASED CODES

TRAINING REQUEST

APPROVE PAYMENT TO TIMBERLINE ENGINEERING FOR 500

invoice. A discussion was held about how much was already paid to Timberline for the 500 S 2000 E project and if this additional invoice is in line with how much it would cost for overseeing the construction of this project. Joshua recommended the Council hold payment of the invoice until he has a chance to talk with Mr. Murray. Dennis Long **moved** to hold payment to Timberline Engineering. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

SOUTH 2000 EAST

Council members received a copy of the financial statement for the period through December 31, 2015. Joshua said the department heads have been doing a really good job at keeping expenditures down. Joshua took this time to review some figures he put together going back to 2009-2010 and how the fiscal years compare. Joshua said he has a more in depth presentation but would like to meet with Council members individually to review that. As Council members were discussing the budget, Dan Olsen **moved** to put a freeze on all future spending in regards to donation requests. Gordon Kitchen **seconded** the motion. Councilman Olsen said this would take the pressure off of Nikki if anyone calls and asks to be on the agenda for such a request. The motion passed with all voting aye.

REVIEW OF FINANCIAL STATEMENTS

Mayor Baker shared some of the information he received from attending the Local Officials Day at the Legislature. He said they were able to have lunch with Representative Chew and visit with him. He spoke of some of the legislation being presented to take local land use control out of the hand of the cities. He mentioned several bills and encouraged the Council to keep track of some of this legislation.

OTHER MATTERS OR FUTURE COUNCIL MATTERS

It was noted that the final walk through on the fire station is set for February 25, at 10:30 a.m.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:45 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 11th DAY OF FEBRUARY 2016
BY: _____

ATTEST: _____